

STEVEN G. KALAR
Federal Public Defender
ANGELA M. HANSEN
Assistant Federal Public Defender
1301 Clay Street, Suite 1350N
Oakland, CA 94612
Telephone: (510) 637-3500
Facsimile: (510) 637-3507

Counsel for Defendant CRUZ MENDOZA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	NO. 07-CR-265 JST; 16-CR-410 JST
)	
Plaintiff,)	
)	
v.)	STIPULATION AND PROPOSED ORDER
)	TO CONTINUE HEARING DATE TO
)	SEPTEMBER 22, 2017 AND TO EXCLUDE
)	TIME UNDER THE SPEEDY TRIAL ACT
MELVIN CRUZ MENDOZA,)	
)	
Defendant.)	Date: August 11, 2017
)	Time: 9:30 a.m.
)	
)	

The above-captioned matters are set on August 11, 2017 before this Honorable Court for status hearings. The parties jointly request that the Court continue these matters to September 22, 2017, at 9:30 a.m., for status hearings, and that the Court continue to exclude time under the Speedy Trial Act.

Mr. Cruz Mendoza has been charged in a Probation Form 12 Petition alleging that he violated the terms of his supervision in a 2007 illegal reentry case. He has also been charged in a one-count indictment alleging illegal reentry, a violation of 8 U.S.C. § 1326. Mr. Cruz Mendoza was arraigned on the indictment on October 24, 2016.

1 On January 18, 2017, on the unopposed motion of defense counsel, the Court referred Mr.
2 Cruz Mendoza to the custody of the Attorney General so that a psychologist and/or psychiatrist
3 could examine him for competency. The United States Marshal Service transferred Mr. Cruz
4 Mendoza out of district to a medical facility for the competency evaluation. In late June 2017,
5 after the Federal Bureau of Prisons (“BOP”) prepared a competency report, the United States
6 Marshal returned Mr. Cruz Mendoza to this district. The defense needs additional time to review
7 and to have its expert assess the competency evaluation prepared by the BOP. The Federal Public
8 Defender has retained Dr. Jeremy Coles for this case. Dr. Coles has advised the defense that he
9 needs more time to complete his assessment of Mr. Cruz Mendoza due to Dr. Coles’ upcoming
10 vacation schedule in August and issues he has had securing an interview with Mr. Cruz Mendoza
11 at Santa Rita jail. For these reasons, the parties request that the Court continue these matters and
12 reset Mr. Cruz Mendoza’s cases to September 22, 2017 for status.
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15 The parties further stipulate and agree that in case number 16-CR-410 JST the period of
16 time from August 11, 2017 through September 22, 2017 should be excluded in accordance with the
17 Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(A), based on the need to determine the mental competency
18 of the defendant.
19

20 DATED: August 7, 2017
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22 Respectfully submitted,
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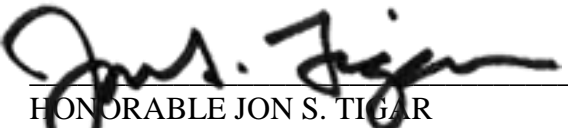
24 /s/_____
25 CHRISTINA M. McCALL
26 Assistant United States Attorney

24 /s/_____
25 ANGELA M. HANSEN
26 Assistant Federal Public Defender

1 **~~PROPOSED~~ ORDER**

2 Based on the reasons provided in the stipulation of the parties above, and for good cause
3 shown, the Court hereby vacates the August 11, 2017 status hearing date and resets Mr. Cruz
4 Mendoza's cases for status hearings on September 22, 2017. In addition, the Court finds that time
5 is excluded between August 11, 2017 and September 22, 2017 in accordance with the Speedy Trial
6 Act, 18 U.S.C. § 3161(h)(1)(A), based on the need to determine the mental competency of the
7 defendant.

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9 DATED: August 7, 2017

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11 HONORABLE JON S. TIGAR
12 United States District Judge
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